

CHAPTER 1 INTRODUCTION

[Prior to 5/20/87, see Aging, Commission on the[20] Ch 1]

321—1.1(231) Basis and purpose of the rules. The rules of Iowa department of elder affairs are based on the authority of Iowa Code chapter 231. These rules prescribe requirements which agencies shall meet to receive grants under the Older Americans Act and other funds administered through the Iowa department of elder affairs.

321—1.2(231) Applicability of other regulations and order of precedence.

1.2(1) Basis of the rules in order of precedence. These rules are based on the following federal and state regulations, listed in order of precedence, which will prevail in the event of conflicting or inconsistent requirements:

- a. Older Americans Act of 1965, as amended.
- b. Code of Federal Regulations, 5 CFR 900, subpart F, August 14, 1979, 7 CFR 250, January 9, 1985, 28 CFR 89, March 2, 1976, 45 CFR Parts 74, June 7, 1981, 80, December 4, 1964, 81, November 7, 1971, 84, May 4, 1977, 90, June 12, 1979, and 1321, April 1, 1985.
- c. Administration on aging policy issuances and administration on aging program instructions.
- d. Iowa Code chapter 231, department of elder affairs, and other Iowa Code chapters.
- e. Iowa Administrative Code, Elder Affairs, Department of[321].
- f. Iowa aging directives signed by the executive director.

1.2(2) Applicability to various groups. The rules set forth herein apply to all grants awarded to any recipient through the department. Compliance with these administrative rules shall be mandatory, unless a waiver is granted in accordance with the procedure in subrule 1.2(3).

1.2(3) Waivers. Pursuant to Iowa Code chapter 17A, the Iowa administrative procedure Act, waivers to the department's rules may be granted in individual cases upon the director's own initiative or upon request.

a. *Definition.* For purposes of this subrule, "waiver or variance" means action by the director that suspends in whole or in part the requirements or provisions of a rule as applied to an identified person on the basis of the particular circumstances of that person. For simplicity, the term "waiver" shall include both a "waiver" and a "variance."

b. *Scope.* This subrule outlines generally applicable standards and a uniform process for the granting of individual waivers from rules adopted by the director in situations where no other more specifically applicable law provides for waivers. To the extent another more specific provision of law governs the issuance of a waiver from a particular rule, the more specific provision shall supersede this subrule with respect to any waiver from that rule.

c. *Applicability.* The director may grant a waiver from a rule only if the director has jurisdiction over the rule and the requested waiver is consistent with applicable statutes, constitutional provisions, or other provisions of law. The director may not waive requirements or duties imposed by statute.

d. *Criteria for waiver or variance.* In response to a petition completed pursuant to this subrule, the director may in the director's sole discretion issue an order waiving in whole or in part the requirements of a rule if the director finds, based on clear and convincing evidence, all of the following:

- (1) The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
- (2) The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
- (3) The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and
- (4) Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

e. Filing of petition. A petition for a waiver must be submitted in writing to the director as follows:

(1) Contested cases. If the petition relates to a pending contested case, the petition shall be filed in the contested case proceeding, using the caption of the contested case, and submitted to the director.

(2) Other. If the petition does not relate to a license application or a pending contested case, the petition may be submitted to the director.

f. Content of petition. A petition for waiver shall include the following information where applicable and known to the requester:

(1) The name, address, and telephone number of the person or entity for which a waiver is requested and the case number of any related contested case.

(2) A description and citation of the specific rule from which a waiver is requested.

(3) The specific waiver requested, including the precise scope and duration.

(4) The relevant facts that the petitioner believes would justify a waiver under each of the four criteria described in 1.2(3)“d.” This statement shall include a signed statement from the petitioner attesting to the accuracy of the facts provided in the petition, and a statement of reasons that the petitioner believes will justify a waiver.

(5) A history of any prior contacts between the director and the petitioner relating to the regulated activity or license affected by the proposed waiver, including a description of each affected license held by the requester, any notices of violation, contested case hearings, or investigative reports relating to the regulated activity or license within the last five years.

(6) Any information known to the requester regarding the director’s treatment of similar cases.

(7) The name, address, and telephone number of any public agency or political subdivision which also regulates the activity in question or which might be affected by the granting of a waiver.

(8) The name, address, and telephone number of any person or entity that would be adversely affected by the granting of a petition.

(9) The name, address, and telephone number of any person with knowledge of the relevant facts relating to the proposed waiver.

(10) Signed releases of information authorizing persons with knowledge regarding the request to furnish the director with information relevant to the waiver.

g. Additional information. Prior to issuing an order granting or denying a waiver, the director may request additional information from the petitioner relative to the petition and surrounding circumstances. If the petition was not filed in a contested case, the director may, on the director’s own motion or at the petitioner’s request, schedule a telephonic or in-person meeting.

h. Notice. The director shall acknowledge a petition upon its receipt in the director’s office. The director shall ensure that, within 30 days of the receipt of the petition, notice of the pending petition and a concise summary of its contents have been provided to all persons to whom notice is required by any provision of law. In addition, the director may give notice to other persons. To accomplish this notice provision, the director may require the petitioner to serve the notice on all persons to whom notice is required by a provision of law and provide a written statement to the director attesting that notice has been provided.

i. Hearing procedures. The provisions of Iowa Code sections 17A.10 to 17A.18A regarding contested case hearings shall apply only to a petition for a waiver filed within a contested case.

j. Ruling. An order granting or denying a waiver shall be in writing and shall contain a reference to the particular person and rule or portion thereof to which the order pertains, a statement of the relevant facts and reasons upon which the action is based, and a description of the precise scope and duration of the waiver if one is issued.

(1) Director discretion. The final decision on whether the circumstances justify the granting of a waiver shall be made at the sole discretion of the director, upon consideration of all relevant factors. Each petition for a waiver shall be evaluated by the director based on the unique, individual circumstances set out in the petition.

(2) **Burden of persuasion.** The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the director should exercise discretion to grant a waiver from a department rule.

(3) **Narrowly tailored.** A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.

(4) **Administrative deadlines.** When the rule from which a waiver is sought establishes administrative deadlines, the director shall balance the special individual circumstances of the petitioner with the overall goal of uniform treatment of all similarly situated persons.

k. Conditions. The director may place any condition on a waiver that is desirable to protect the public health, safety, and welfare.

l. Time period of waiver. A waiver shall not be permanent unless the petitioner can show that a temporary waiver would be impracticable. If a temporary waiver is granted, there is no automatic right to renewal. At the sole discretion of the director, a waiver may be renewed if the director finds that grounds for a waiver continue to exist.

m. Time for ruling. The director shall grant or deny a petition for a waiver as soon as practicable but, in any event, shall do so within 120 days of its receipt, unless the petitioner agrees to a later date. However, if a petition is filed in a contested case, the director shall grant or deny the petition no later than the time at which the final decision in that contested case is issued.

n. When deemed denied. Failure of the director to grant or deny a petition within the required time period shall be deemed a denial of that petition. However, the director shall remain responsible for issuing an order denying a waiver.

o. Service of order. Within seven days of its issuance, any order issued under this subrule shall be transmitted to the petitioner or the person to whom the order pertains and to any other person entitled to such notice by any provision of law.

p. Public availability. All orders granting or denying a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information the director is authorized or required to keep confidential. The director may accordingly redact confidential information from petitions or orders prior to public inspection.

q. Summary reports. Semiannually, the director shall prepare a summary report identifying the rules for which a waiver has been granted or denied, the number of times a waiver was granted or denied for each rule, a citation to the statutory provisions implemented by these rules, and a general summary of the reasons justifying the director's actions on waiver requests. If practicable, the report shall detail the extent to which the granting of a waiver has affected the general applicability of the rule itself. Copies of this report shall be available for public inspection and shall be provided semiannually to the administrative rules coordinator and the administrative rules review committee.

r. Cancellation of a waiver. A waiver issued by the director pursuant to this subrule may be withdrawn, canceled, or modified if, after appropriate notice and hearing, the director issues an order finding any of the following:

(1) The petitioner or the person who was the subject of the waiver order withheld or misrepresented material facts relevant to the propriety or desirability of the waiver; or

(2) The alternative means for ensuring that the public health, safety and welfare will be adequately protected after issuance of the waiver order have been demonstrated to be insufficient; or

(3) The subject of the waiver order has failed to comply with all conditions contained in the order.

s. Violations. Violation of a condition in a waiver order shall be treated as a violation of the particular rule for which the waiver was granted. As a result, the recipient of a waiver under this subrule who violates a condition of the waiver may be subject to the same remedies or penalties as a person who violates the rule at issue.

t. Defense. After the director issues an order granting a waiver, the order is a defense within its terms and the specific facts indicated therein for the person to whom the order pertains in any proceeding in which the rule in question is sought to be invoked.

u. Judicial review. Judicial review of the director's decision to grant or deny a waiver petition may be taken in accordance with Iowa Code chapter 17A. Any appeal to district court shall be taken within 30 days from the date of issuance of the decision by the director pursuant to Iowa Code section 17A.19.

321—1.3 to 1.6 Reserved.

321—1.7(231) Definitions. Unless otherwise prescribed by federal and state regulations, the terms used in these rules shall have the following meanings:

“AAA administration cost” means all direct and indirect costs incurred by the grantee in managing a grant, including all audit and policy board expenses incurred in the support of an AAA director.

“Abuse” (OAA) means the willful: (1) infliction of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish; or (2) deprivation by a person, including a caregiver, of goods and services that are necessary to avoid physical harm, mental anguish, or mental illness.

“Access/care coordination” (NAPIS) means responsibilities such as outreach, screening, assessment, case management, information and referral.

“Accessible” means without physical, cultural, financial, psychological barriers to service.

“Act” or *“OAA”* or *“Federal Act”* means the Older Americans Act of 1965, 42 U.S.C. subsection 3001 et seq., as amended to and including February 1, 1986.

“Activities of daily living” means those activities that reflect an individual's ability to perform tasks that are essential for self-care, including but not limited to: eating, dressing, bathing, toileting, and transferring in and out of bed.

“Administration” (NAPIS) means responsibilities such as bidding, contract negotiation, reporting, reimbursement, accounting, auditing, monitoring, and quality assurance.

“Administration on Aging” or *“AOA”* means the federal agency established to administer the provisions of the Act.

“Administrative action” (LTCRAP) means an action or decision made by an owner, employee, or agent of a long-term care facility, or by a governmental agency, which affects the service provided to residents of long-term care facilities.

“Adult day care/adult day health” (NAPIS) means provision of personal care for dependent adults in a supervised, protective, congregate setting during some portion of a 24-hour day. Services offered in conjunction with adult day care/adult day health typically include social and recreational activities, training, counseling, meals for adult day care and services such as rehabilitation, medications assistance, and home health aide services for adult day health.

“Advocacy” (NASUA) means action taken on behalf of an older person to secure rights or benefits and includes receiving, investigating, and working to resolve disputes or complaints. Advocacy does not include services provided by an attorney or person under the supervision of an attorney.

“Agency executive/management staff” (NAPIS) means personnel such as the state unit on aging (SUA) director, deputy directors, directors of key divisions and other positions which provide overall leadership and direction for the state agency.

“Aggrieved party” means an individual or organization that alleges that their rights have been denied by the department, AAA or AAA subcontractor action.

“Applicant” (SIP) means an eligible person making a contact with the SIP program to seek employment.

“AAA” or “area agency on aging” or “area agency” means the grantee agency designated by the commission in a planning and service area to develop and administer the multiyear area plan for a comprehensive and coordinated system of services for elders and to carry out the duties specified in Iowa Code chapter 231.

“Assessment of job skills” (SIP) means a process by which the senior internship program coordinator develops a written history of the work experience and related qualities an individual possesses that would make the individual marketable as an employee.

“Assisted transportation” (NAPIS) means the provision of assistance, including escort, to a person who has difficulties (physical or cognitive) using regular vehicular transportation (See “Transportation”).

“Authorized position” (SIP) means an enrollment opportunity during a program year allocated by the department.

“Carryover” means the amount of funds which are not expended or obligated for goods or services or both by the last day of the previous budget fiscal year.

“Case management” (NAPIS) means the case management program for the frail elderly as defined in 321—Chapter 21 which provides assistance either in the form of access to or care coordination in circumstances where the older persons or their caregivers are experiencing diminished functioning capacities, personal conditions or other characteristics which require the provision of services by formal service providers. Activities of case management include assessing needs, developing care plans, authorizing services, arranging services, coordinating the provision of services among providers, follow-up and reassessment, as required.

“Catered meal” means a meal which is partially or wholly prepared, for a fee, by a provider with whom the AAA has a contract for the service.

“Chore” (NAPIS) means providing assistance to persons having difficulty with one or more of the following instrumental activities of daily living (IADL): heavy housework, yard work, or sidewalk maintenance.

“Commission” means the policy board of the department of elder affairs.

“Community-based adult services” means a coordinated, multilevel social and health care delivery system which ensures the functionally dependent eligible elder the most appropriate level of care and supportive services in order to live as independently and in the least restrictive setting as possible.

“Community-based adult services committee” or “CBAS committee” means the group consisting of representatives appointed by the departments of elder affairs, human services, inspections and appeals, and public health; health policy corporation of Iowa, Iowa Foundation for Medical Care, Iowa association of area agencies on aging, and Iowa state association of counties.

“Community focal point” means a place or mobile unit in a community or neighborhood designated by the AAA for the collocation and coordination of service delivery to elders.

“Complaint” (LTCRAP) means a report of an alleged violation of requirements of federal and state laws or regulations, or report of practices and procedures related to admission or an individual’s entitlement to care and services under federal and state laws and regulations.

“Comprehensive and coordinated system” means a system for providing all necessary supportive services, including nutrition services, in a manner designed to:

1. Facilitate accessibility to, and utilization of, all supportive services and nutrition services provided within the geographic area served by the system by any public or private agency or organization.
2. Develop and make the most efficient use of supportive services and nutrition services in meeting the needs of elders with a minimum of duplication.

“Congregate meals” (NAPIS) means provision, to an eligible client or other eligible participant at a nutrition site, senior center or some other congregate setting, a meal which: (1) complies with the Dietary Guidelines for Americans (published by the Secretaries of the Department of Health and Human Services and the United States Department of Agriculture); (2) provides, if one meal is served, a minimum of 33 1/3 percent of the current daily Recommended Dietary Allowances (RDA) as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences; (3) provides, if two meals are served, together, a minimum of 66 2/3 percent of the current daily RDA, although there is no requirement regarding the percentage of the current daily RDA which an individual meal must provide, a second meal shall be balanced and proportional in calories and nutrients, and (4) provides, if three meals are served, together, 100 percent of the current daily RDA, although there is no requirement regarding the percentage of the current RDA which an individual meal must provide, second and third meals shall be balanced and proportional in calories and nutrients.

“Congregate nutrition site” or *“congregate meal site”* or *“meal site”* or *“site”* means any location other than a primary place of residence where meals and other nutrition services are provided in a group setting in whole or in part, with AOA federal nutrition funds or contributions from an AOA nutrition program, or both.

“Continuum of care” means a full range of economic, physical, psychological, social and support programs and services necessary to maintain or restore elders to their optimal environment.

“Contract” means an agreement between two or more persons, companies, firms, associations, or other legal entities which creates an obligation to do or not to do a particular thing. Its essentials are competent parties, subject matter, a legal consideration, mutuality of agreement and mutuality of obligation.

“Contract eldercare” means employer-initiated and supported benefits for employees who have care giving responsibilities for elderly, disabled or frail family members. These benefits may include such services as information and referral and service planning and coordination.

“Contractually linked” (NAPIS) means the inclusion of obligated expenditures from whatever source into a written contract such that their exclusion would constitute a breach of contract terms.

“Department of elder affairs” or *“department”* means the sole state agency responsible for administration of the Older Americans Act and Iowa Code chapter 231.

“Development” (NAPIS) means responsibilities such as public education, resource development, training and education, research and development and legislative activities.

“Dietitian.” See licensed dietitian.

“Disability” (OAA) means (except when such term is used in the phrase “severe disability,” “developmental disabilities,” “physical and mental disability,” “physical and mental disabilities,” or “physical disabilities”) a disability attributable to mental or physical impairment, or a combination of mental or physical impairments, that results in substantial functional limitations in one or more of the following areas of major life activity: (1) self-care, (2) receptive and expressive language, (3) learning, (4) mobility, (5) self-direction, (6) capacity for independent living, (7) economic self-sufficiency, (8) cognitive functioning, and (9) emotional adjustment.

“Elder” or *“older individual”* means an individual who is 60 years of age or older.

“Eligible individual” (ES) means any person aged 60 or older and the spouse of the person 60 or older regardless of the age of the spouse.

“Eligible individual” (Title III) means any person aged 60 or older and the spouse of the person 60 or older regardless of the age of the spouse.

“Eligible individual” (SIP) means a person who is 55 years of age or older who meets income guidelines published by the United States Department of Labor.

“Enrollee” (SIP) means an eligible individual who receives services and is paid wages for engaging in community service employment under a project.

“Equipment” means any tangible personal property having a single acquisition cost of \$500 or more and a useful life greater than one year.

“Equitable distribution” (SIP) means the ratio of the total authorized positions operated by the department and national sponsors compared to the number of authorized positions established on the basis of the eligible population.

“Equivalent support” means in-kind contribution of services, goods, volunteer support, or other support reasonably determined by the department as equivalent to a dollar amount.

“Executive director” means the director of the Iowa department of elder affairs.

“Fiscal year” or *“FY”* means the state fiscal year, July 1 through June 30, numbered according to the year in which the fiscal year ends.

“Focal point” means a community facility established to encourage the maximum collocation and coordination of services for older individuals.

“Frail” (AOA Title III-D) means having a physical or mental disability, including Alzheimer’s disease or a related disorder with neurological or organic brain dysfunction that restricts the ability of an individual to perform normal daily tasks or which threatens the capacity of an individual to live independently.

“Functionally impaired” or *“disabled”* or *“handicapped”* means any person who:

1. Has a physical or mental impairment that substantially limits one or more major life activities (e.g., caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working);

2. Has a record of such an impairment (has a history of, or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activities); or

3. Is regarded as having such an impairment.

“Grantee” means the legal entity to which a grant is awarded and which is accountable to the department for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the award document. The term “grantee” does not include any secondary recipients such as subgrantees or contractors, who may receive funds from a grantee pursuant to a grant.

“Greatest economic need” (OAA) means the need resulting from an annual income level at or below the official poverty guideline as defined by the Office of Management and Budget and adjusted by the Secretary (DHHS).

“Greatest social need” means the need caused by noneconomic factors which include physical and mental disabilities, language barriers, and cultural or social isolation including that caused by racial or ethnic status which restricts an individual’s ability to perform normal daily tasks or which threatens the elder’s capacity to live independently.

“Grievance” (LTCRAP) means a report of an administrative action alleged to affect residents in an adverse manner.

“Handicapped.” See functionally impaired.

“Home-delivered meals” (NAPIS) means provision, to an eligible client or other eligible participant at the client’s place of residence, a meal which: (1) complies with the Dietary Guidelines for Americans (published by the Department of Health and Human Services and the United States Department of Agriculture); (2) provides, if one meal is served, a minimum of 33 1/3 percent of the current daily Recommended Dietary Allowances (RDA) as established by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences; (3) provides, if two meals are served, together, a minimum of 66 2/3 percent of the current daily RDA; although there is no requirement regarding the percentage of the current RDA which an individual meal must provide, a second meal shall be balanced and proportional in calories and nutrients; and (4) provides, if three meals are served, together, 100 percent of the current daily RDA, although there is no requirement regarding the percentage of the current daily RDA which an individual meal must provide, second and third meals shall be balanced and proportional in calories and nutrients.

“Homemaker” (NAPIS) means assistance to persons having difficulty with one or more of the following instrumental activities of daily living (IADL): preparing meals, shopping for personal items, managing money, using the telephone, or doing light housework.

“Host agency” (SIP) means a public agency or private nonprofit organization, or private sector employer, other than a political party, exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, which provides a worksite and supervision for an enrollee.

“Individual development plan (IDP)” means the plan developed in partnership with the enrollee to reflect the needs of the enrollee as indicated by the assessment, as well as the expressed interests and desires of the enrollee.

“Information and assistance (I&A)” (NAPIS) means a service for older individuals that (1) provides the individuals with current information on opportunities and services available to the individuals within their communities, including information relating to assistive technology; (2) assesses the problems and capacities of the individuals; (3) links the individuals to the opportunities and services that are available; (4) to the maximum extent practicable, ensures that the individuals receive the services needed by the individuals, and are aware of the opportunities available to the individuals, by establishing adequate follow-up procedures.

“In-home service” means service delivered in the home to an elder that includes, but is not limited to, homemaker and home health aide service, visiting, telephone reassurance, chore maintenance, in-home respite care, adult day care, and minor modification of a home that is necessary to facilitate the ability of older individuals to remain at home.

“Instrumental activities of daily living (IADL)” means those activities that reflect an individual’s ability to perform household and other tasks needed to meet the individual’s needs within the community, including but not limited to: preparing meals, shopping for personal items, managing money, using telephone, doing heavy housework, doing light housework.

“Legal assistance” (NAPIS) means provision of legal advice, counseling and representation by an attorney or other person acting under the supervision of an attorney.

“Licensed dietitian” means an individual who maintains a license granted by the Iowa board of dietetic examiners.

“Living alone” (NAPIS) means a one-person household (using the census definition of household) where the householder lives alone in an owned or rented place of residence in a noninstitutional setting, including assisted living units.

“Local match” means the equivalent cash value of third-party in-kind contributions and cash resources, or both, made available by local sources (e.g., local public funds, other local cash, and program income) representing that portion of the costs of a grant-supported project or program not borne by the department.

“Local public funds” means tax-related funds from local taxing bodies (e.g., county boards of supervisors, city councils, area community colleges).

“Long-term care facility” means a long-term care unit of a hospital, a licensed hospice program, a foster group home, a group living arrangement, or a facility licensed under Iowa Code section 135C.1 whether the facility is public or private.

“Long-term care resident’s advocate/ombudsman program” (LTCRAP) means the statewide long-term care ombudsman program operated by the department of elder affairs pursuant to the federal Act and Iowa Code chapter 231.

“Low income” (SIP) means any person or persons whose actual individual or family income is not more than 125 percent of the poverty guidelines issued annually by the U.S. Department of Labor in accordance with Section 507(2) of the Older Americans Act.

“Low income” (Title III) means any person or persons whose income is below the official poverty guideline as defined by the Office of Management and Budget and adjusted by the Secretary (DHHS) in accordance with Section 673(2).

“Match” means the equivalent cash value of third-party in-kind contributions and cash resources or both, representing that portion of the costs of a grant-supported project or program not borne by the department.

“Minority” means persons who identify themselves according to the racial or ethnic categories of Asian, Black, Hispanic, American Indian, Pacific Islander, or Alaskan native and includes persons who speak a language other than English as a first language.

“Minority provider” (NAPIS) means a business concern that: (1) is at least 51 percent owned by one or more individuals who are either African American, Hispanic origin, American Indian/Native Alaskan/Native Hawaiian, Asian American/Pacific Islander minority or a publicly owned business having at least 51 percent of its stock owned by one or more minority individuals and (2) has its management and daily business controlled by one or more minority individuals.

“Modified meals” (NAPIS) means meals served which were either low-fat, low-sodium, controlled-calorie or soft-diet.

“Multipurpose senior center” (OAA) means a community facility for the organization and provision of a broad spectrum of services, which shall include, but not be limited to, provision of health (including mental health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals.

“National Aging Program Information System” (NAPIS) means the data collection and assimilating processes leading to preparation of the annual uniform State Performance Report (SPR) for Title III and Title VII of the Older Americans Act (excluding the Long-Term Care Ombudsman program).

“National Ombudsman Reporting System” (NORS) means the state uniform reporting system required for the Office of the Long-Term Care Ombudsman in the Older Americans Act.

“National sponsor” (SIP) means the American Association of Retired Persons, Green Thumb, Inc., the National Senior Citizens’ Education and Research Center, Inc. or any other national organization which is allocated positions by the United States Department of Labor.

“Neglect” (OAA) means: (1) the failure to provide for oneself the goods or services that are necessary to avoid physical harm, mental anguish, or mental illness; or (2) the failure of a caregiver to provide the goods or services.

“New persons served” (NAPIS) means any client who has never been previously registered as a client for the service, either in the current fiscal year or a prior fiscal year by any provider funded with Older Americans Act funds.

“Noncash” means the fair market value of all third-party in-kind resources such as donated equipment, space, supplies, or services of individuals.

“Nonprofit contracts” means contracts between an AAA and an entity designated as a nonprofit provider. See “public or private nonprofit service provider.”

“Number of persons served at high nutritional risk” (NAPIS) means the unduplicated number receiving a score of 6 or higher on the Nutrition Risk Assessment. Only the clients provided home-delivered meals, case management, congregate meals and nutrition counseling are included in this count.

“Nutrition counseling” means the provision of one-on-one advice and guidance to individuals who are at nutritional risk because of their nutritional history, current dietary intake, medications use or chronic illness, about options and methods for improving their nutritional status, provided by a registered licensed dietitian or other health professional functioning within the legal scope of practice.

“Nutrition education” means a service or program to promote better health by providing accurate and culturally sensitive nutritional, physical fitness, or health (as it relates to nutrition) information and instruction to participants and caregivers in a group or individual setting overseen by a dietitian if the nutrition education provides medically oriented information.

“Nutrition services” means meals, outreach, and nutrition education and other nutrition-related services.

“Older Americans Act” or *“OAA,”* see Act.

“One-stop delivery system” (SIP) means a workforce system connecting employment, education, and training services into a coherent network of resources at the local, state, and national level.

“Other local cash” means funds from charitable organizations (e.g., United Way and private foundations) and donations from individuals (e.g., gifts and bequests).

“Outreach” (NAPIS) means interventions initiated by an agency or organization for the purpose of identifying potential clients and encouraging their use of existing services and benefits.

“Personal care” (NAPIS) means providing hands-on assistance, standby assistance, supervision or cues for persons having difficulties with one or more of the following activities of daily living: eating, dressing, bathing, toileting, and transferring in and out of bed.

“Physical examination” (SIP) means a medical examination performed by a physician or a medical professional under the supervision of a physician, to determine if the enrollee is capable of fulfilling the duties of a work assignment.

“Physical examination waiver” (SIP) means a signed statement by an enrollee or applicant which verifies that the enrollee or applicant was offered the opportunity to take a physical examination, but refused to take it.

“Planning” (NAPIS) means responsibilities such as needs assessment, plan development, budgeting/resource analysis, inventory, standards development and policy analysis.

“Planning and service area” or *“PSA”* means a geographic area of the state that is designated by the commission for purposes of planning, development, delivery and overall administration of services under a multiyear area plan.

“Program cost” means a cost incurred by the AAA in managing and delivering services, including salary, fringe, travel, training, personnel costs, equipment, supplies, and nonpersonnel expenses of service delivery.

“Program income” or *“project income”* or *“contributions”* means grant-related income or gross income earned by a grantee or its subcontractors from activities, part or all of the cost of which is borne as a direct cost by a grant, or counted as a direct cost toward meeting a cost-sharing or matching requirement of a grant, such as fees or participant contributions for services performed during the grant or subgrant period, proceeds from the sale of tangible property, usage or rental fees, and patent or copyright royalties.

“Provider” means any person, company, firm, association, or other legal entity under contract pursuant to this chapter.

“Public or private nonprofit service provider” means any government agency or private organization certified to be nonprofit by the U.S. Internal Revenue Service or an agency which was established pursuant to Iowa Code chapter 28E or chapter 473A and is composed solely of public agencies or governmental units as defined in those chapters.

“Quarterly progress report” (SIP) means the report on enrollee activity and characteristics submitted to the Department of Labor from information gathered from the subprojects at the end of every three-month period during the fiscal year.

“Region VII” means the states of Iowa, Kansas, Missouri, and Nebraska.

“Representative payee” (OAA) means a person who is appointed by a governmental entity to receive, on behalf of an individual who is unable to manage funds by reason of a physical or mental incapacity, any funds owed to such individual by such entity.

“Resident” (LTCRAP) means any person residing in a long-term care facility and shall also include individuals seeking admission to a long-term care facility.

“Respite care” (NAPIS) means service which offers temporary, substitute supports or living arrangements for older persons in order to provide a brief period of relief or rest for family members or other caregivers.

“Rural population” (Census) means the rural population of Iowa comprised of all persons living within an incorporated place that has a population of 2,499 or less, or on farms.

“Satellite meal” means a meal which is partially or wholly prepared in an AAA kitchen and transported to a congregate meal site to be served.

“Senior internship program” (SIP). See 321—Chapter 10.

“Senior internship program coordinator” means a person employed by the subproject sponsor whose responsibility it is to develop jobs, advocate for the employment of eligible individuals and provide employment services for eligible individuals, including Title V enrollees.

“Service delivery” (NAPIS) means those activities associated with the direct provision of a service which meets the needs of an individual older person or caregiver.

“Services” means the services described in the “Uniform Definitions of Services” issued by the department.

“Severe disability” means a severe chronic condition attributable to mental or physical impairment of an individual that:

1. Is likely to continue indefinitely; and
2. Results in substantial functional limitation in three or more of the following major life activities:

- Self-care.
- Receptive and expressive language.
- Learning.
- Mobility.
- Self-direction.
- Capacity for independent living.
- Economic self-sufficiency.

“Subproject sponsor” (SIP) means an organization which has entered into a subproject agreement or contract with a project sponsor.

“Temporary position” (SIP) means the authorized positions which exceed the number allocated by the Department of Labor.

“Termination” (SIP) means a separation from the program.

“Third-party in-kind contributions” means property or services which benefit a grant-supported project or program and which are contributed by nonfederal third parties without a charge to the grantee, the subgrantee, or a cost-type contractor under the grant or subgrant.

“Title III” means Title III of the federal Act for grants to state and community programs on aging.

“Title III-B” means Title III, part B, of the federal Act for supportive services.

“Title III-C” means Title III, part C, of the federal Act for nutrition services.

“Title III-C(1)” means Title III, part C, subpart 1, of the federal Act for congregate nutrition services.

“Title III-C(2)” means Title III, part C, subpart 2, of the federal Act for home-delivered nutrition services.

“Title III-D” means Title III, part D, of the federal Act for frail elderly services.

“Title III-G” means Title III, part G, of the federal Older Americans Act for prevention of adult abuse, neglect and exploitation.

“Title V” means Title V of the federal Act for employment of low-income persons aged 55 and older.

“Total number of service units” (NAPIS) means a sum of the contractually linked service units provided by all providers to all clients, even if the Older Americans Act (OAA) funding and related match funds are not the exclusive source of funding for the provider. If there are multiple service providers for a service, the total is a sum of the service units provided by all providers to all clients. Only the congregate and home-delivered meals eligible for USDA reimbursement are included in the total service units for meals.

“Total persons served” (NAPIS) means the unduplicated count of persons served. The total includes all persons served during the course of the year, regardless of how many service units they receive. This information should be based on client registration.

“Transportation” (NAPIS) is the provision of a means of transportation for a person who requires help in going from one location to another, using a vehicle. It does not include any other activity (see “Assisted transportation”).

“Unit of general purpose local government” means a political subdivision of the state whose authority is general and not limited to only one function or combination of related functions.

“Unsubsidized employment” (SIP) means a position where wages, fringes and other expenses for a terminated enrollee are not paid with SIP funds.

“Urban area” (NAPIS) means any geographic area within an incorporated place that has a population of 2,500 or more.

“Vendor” means a person or organization responsible for providing generally required goods or services related to the administrative support of the federal assistance program. Distinguishing characteristics of a vendor include such items as providing the goods or services within normal business operations, providing similar goods or services to many different purchasers, operating in a competitive environment, and not having responsibility for adherence to program compliance requirements.

“Well elderly clinic” means a service designed for the purpose of promoting the health of older adults by conducting health assessments and teaching clients about ways to maintain, restore and improve their health as older adults and provide information about community health care services and resources, including referral to appropriate resources for assistance.

“Workforce Investment Act of 1998” (SIP) means the law providing the framework for a national workforce preparation and employment system designed to meet both the needs of the nation’s businesses and the needs of job seekers and those who want to further their careers.

“Worksites” (SIP) means the actual location where enrollees perform their duties.

These rules are intended to implement Iowa Code chapter 231 and section 17A.9A.

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∅Two ARCs